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09/996,153	11/28/2001	Kouichi Kamiji	NGB-105-A	2118

7590

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EXAMINER

DRAPER, DEANN L

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/996,153

Applicant(s)

KAMAJI ET AL.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Acknowledgements***

The Preliminary Amendment and Substitute Specification filed by the Applicant on November 28, 2001 are acknowledged. Claims 18 – 20 have been added. The Priority Papers filed by the Applicant on January 23, 2002 are also acknowledged.

***Specification***

The disclosure is objected to because of the following informalities: on page 2, lines 13 and 19, “exist” should be --exists--.

Appropriate correction is required.

***Claim Objections***

Claim 18 is objected to because of the following informalities: in line 7, “form” should be --formed--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1 – 4 and 14 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama et al. (US 5,584,508). Maruyama discloses an air bag (18 in Fig. 2) for placement in a folded state under an upper surface of an instrument panel of a vehicle and for being inflated when the vehicle is crashed (see Fig. 10), wherein the air bag has a pocket disposed at a lower surface of the air bag when the air bag is inflated (37 in Fig. 12). The pocket is formed in a conical, semi-oval shape, with a circular bottom opposing a pocket opening portion, convexed from the lower surface of the air bag. The air bag also comprises an exhaust hole (40 in Fig. 14) located in the vicinity of the pocket for exhausting a gas.

With respect to claims 2 and 3, the pocket is located in a position corresponding to a top portion of a child safety seat as claimed.

*PD* Claims 1, <sup>2+3</sup>5, 6, 9 and 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellerbrok et al. (US 6,164,696). Ellerbrok discloses a gas bag (33 in Fig. 11) for placement in a folded state under an upper surface of an instrument panel of a vehicle and for being inflated when the vehicle is crashed, wherein the air bag has a pocket disposed at a lower surface of the air bag when the air bag is inflated (31 in Fig. 12), the pocket having a predetermined depth when the airbag is inflated (Col. 6, lines 29 - 31) with an opening (see area near 51 in Fig. 12) and a strap (Col. 8, lines 2 – 6; 51) attached to the gas bag.

*PA* With respect to claim <sup>2+3</sup>20, the pocket is located in a position corresponding to a top portion of a child safety seat as claimed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, and 10 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellerbrok. Ellerbrok discloses the claimed invention except for the specifics of the pocket.

Regarding claims 7 and 8, it would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the specific pocket depths and opening areas as claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding Claims 10 – 17, it would have been an obvious matter of design choice to vary the shape of the pocket, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellerbrok as applied to claim 18 above, and further in view of Maruyama. Ellerbrok discloses the invention as claimed in Claim 18, however does not disclose an exhaust hole. Maruyama discloses an exhaust hole (40 in Fig. 14) located in the vicinity of the pocket in order to relieve pressure from the gas bag. Therefore it would have been obvious to an ordinary person skilled in the art at the

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time the invention was made to modify Ellerbrok by adding an exhaust hole in order to relieve pressure from the air bag, as taught by Maruyama.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lunt et al. (US 5,613,348) discloses a method and apparatus for packing an inflatable airbag in a housing. Haland (GB 2,270,834) discloses a child safety seat for a vehicle. Lewis et al. (US 6,378,898) discloses an inflatable air bag for an inflatable restraint system. Keshavaraj (US 6,375,219 and US 5,931,498) disclose an airbag cushion. Breed (US 6,250,668) discloses a tubular airbag. Goor (US 6,042,181) discloses a convertible child safety seat. Adomeit et al. (US 6,109,649) discloses an airbag module. Shellabarger (US 5,632,506) discloses a vehicle occupant protection apparatus. Patercsak et al. (US 5,613,698) discloses a wrapped inflatable restraint. Cumming et al. (US 4,290,627) discloses an L-shaped inflatable restraint cushion. Ricks et al. (US 5,626,358) discloses an airbag cushion assembly with horn switch pocket. Mihm et al. (US 5,306,043) discloses a dashboard top mounted vehicle airbag assembly. Sogi et al. (US 5,573,270) discloses an airbag with inflation gas diffuser. Schimmoller et al. (US 6,089,599) discloses a baffled air bag.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939.

The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

~~DEANNA DICKSON~~  
PATENT EXAMINER

dld

March 24, 2003

  
PAUL N. DICKSON  
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3/24/03